

CITY UTILITIES COMMITTEE

MINUTES

FEBRUARY 26, 2008

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, February 26, 2008 at 9:21 a.m.**, in Committee Room #2. The following members were present:

The Honorable Carla Smith, Chair
The Honorable Ceasar C. Mitchell, Vice-Chair
The Honorable Ivory L. Young, Jr.
The Honorable Clair Muller
The Honorable Howard Shook
The Honorable Natalyn M. Archibong

Others present at the meeting were: Councilmembers C. T. Martin, Anne Fauver and Felicia A. Moore; Theresa Stewart, Renee Sheperd, Stephanie Grant and Marc Goncher, Law Department; Commissioner Robert Hunter, Deputy Commissioners Shelia Pierce, Melinda Langston, Joseph Basista and George Barnes, Department of Watershed Management; Madelyn Grant, Department of Public Works; Cathy Martin, Office of Procurement; Derrick Williams and Megan Middleton, Office of the Mayor; members of the public, press and Council Staff.

Chair Smith called the meeting to order at 9:21 a.m. after declaring a quorum present. She then proceeded with the following order of business.

- A. ADOPTION OF THE AGENDA - AMENDED TO ADD 2 PRESENTATIONS AND ONE ORDINANCE FOR FIRST READING**
- B. APPROVAL OF MINUTES**
- C. COMMENTS FROM THE PUBLIC**
- D. A BRIEF REPORT ON THE WATER MATTERS FOR THE GENERAL ASSEMBLY - MEGAN MIDDLETON, OFFICE OF THE MAYOR**
- E. A BRIEF REPORT ON QUESTIONS ASKED BY THE COMMITTEE FROM THE AUDIT REPORT - ROBERT HUNTER, DEPARTMENT OF WATER MANAGEMENT**

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CONSENT

F. ORDINANCES FOR FIRST READING

- 08-O-0407 (1) An Ordinance by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 3 with Advanced Disposal Services, Inc., for FC-7650-04A, Annual Contract for Disposal of Municipal Solid Waste, on behalf of the Department of Public Works, in an amount not to exceed \$1,000,000.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 1001 (General Fund) 5212001 (Consultant/Prof. Services) 130213 (Recycling and Collection); and for other purposes.

TO BE REFERRED TO FINANCE/EXECUTIVE COMMITTEE

- 08-O-0408 (2) An Ordinance by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 2 with Republic Services of Georgia, LP for FC-7650-04B, Annual Contract for Disposal of Municipal Solid Waste, on behalf of the Department of Public Works, in an amount not to exceed \$3,000,000.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 1001 (General Fund) 5212001 (Consultant/Prof. Services) 130213 (Recycling and Collection); and for other purposes.

TO BE REFERRED TO FINANCE/EXECUTIVE COMMITTEE

- 08-O-0409 (3) An Ordinance by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 3 with Republic Services of Georgia, LP for FC-7650-04B, Annual Contract for Disposal of Municipal Solid Waste, on behalf of the Department of Public Works, in an amount not to exceed \$6,000,000.00; all contracted work will be charged to and paid from Fund, Account and Center Number: 1001 (General Fund) 5212001 (Consultant/Prof. Services) 130213 (Recycling and Collection); and for other purposes.

TO BE REFERRED TO FINANCE/EXECUTIVE COMMITTEE

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ORDINANCES FOR FIRST READING (CONT'D)

- 08-O-0410 (4) An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2008 Budget (Water and Wastewater Renewal and Extension Fund – Commercial Paper, Series I) in the amount of \$96,030,000.00 to transfer funds remaining from completed, realigned, postponed or discontinued projects and to add to Appropriation Funds for the Program Management Services (\$26,000,000.00), and Sewer Group 2 – Rehabilitation (\$70,030,000.00) Projects; and for other purposes.

TO BE REFERRED TO CITY UTILITIES COMMITTEE

REGULAR

G. COMMUNICATION

- 08-C-0339 (1) A Communication by Mayor Shirley Franklin appointing **Ms. Brenda M. Berry** to serve as a member of the Keep Atlanta Beautiful Board of Directors for the City of Atlanta. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation.
(Councilmember Muller made a motion to approve.)

FAVORABLE – REFERRED TO COMMITTEE ON COUNCIL

H. RESOLUTIONS

- 08-R-0352 (1) A Resolution by Councilmembers Howard Shook, Carla Smith, Clair Muller, Natalyn M. Archibong, Ivory L. Young, Jr. and Ceasar C. Mitchell **as amended by City Utilities Committee** to request and authorize the Mayor to establish and fund a Technical Review Committee for the purpose of conducting a Peer Review Audit of the City of Atlanta Department of Watershed Management's Operating, Capital and Finance Programs; and for other purposes.
(Councilmember Smith made a motion to approve as amended.)

FAVORABLE AS AMENDED

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RESOLUTIONS (CONT'D)

- 08-R-0354 (2) A Resolution by Councilmember Anne Fauver requesting that a Task Force be created to review and report back to the Mayor and City Council on the proliferation of graffiti in the City of Atlanta; and for other purposes.
(Councilmember Smith made a motion to file.)

FILE

- 08-R-0355 (3) A Resolution by Councilmember Natalyn M. Archibong **as amended by City Utilities Committee** authorizing the Mayor or her designee to enter into an agreement between the City of Atlanta and the Kirkwood Business Owners Association allowing the erection of a neighborhood sign within a certain right-of-way; and for other purposes.
(Councilmember Archibong made a motion to approve as amended.)

FAVORABLE AS AMENDED

- 08-R-0411 (4) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Synagro South, LLC., for FC-6007000087, Annual Contract for Bio-Solids Digester Cleaning, Dewatering, Hauling and Disposal Services, on behalf of the Department of Watershed Management, in an amount not to exceed \$3,500,000.00; all contracted work shall be charged to and paid from Various Fund, Account and Center Numbers; and for other purposes.
(Councilmember Young made a motion to approve.)

FAVORABLE

- 08-R-0412 (5) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with Insituform Technologies, Inc. and Metals & Materials Engineers, LLC, Joint Venture, for FC-3007000048, for Sewer Group Two Rehabilitation Phase I Cured-in-Place-Pipe, Contract B, on behalf of the Department of Watershed Management, in an amount not to exceed \$4,859,762.00; all contracted work shall be charged to and paid from Various Fund, Account and Center Numbers; and for other purposes.
(Councilmember Muller made a motion to approve as amended.)

FAVORABLE AS AMENDED

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RESOLUTIONS (CONT'D)

- 08-R-0413 (6) An **Amended** by City Utilities Committee authorizing the Mayor to enter into an agreement with Inland Waters Pollution Control, Inc./Gaitor Construction, Inc., Joint Venture for FC-3007000047, for Sewer Group Two Rehabilitation Phase I-Pipebursting, Contract B, on behalf of the Department of Watershed Management, in an amount not to exceed \$7,460,627.05; all contracted work shall be charged to and paid from Various Fund, Account and Center Numbers; and for other purposes.
(Councilmember Muller made a motion to approve as amended.)

FAVORABLE AS AMENDED

J. PAPER HELD IN COMMITTEE

- 06-R-0563 (1) A Resolution by Councilmember Joyce M. Sheperd authorizing the Mayor to enter into an Agreement with Brock Built, LLC providing for the non-standard location of water meters on private property to which the city provides water services; and for other purposes. **(Referred back by Council 3/6/06) (Held 3/14/06 at the request of the Department of Watershed Management so that developer can address the private property concerns)**

HELD

- 06-O-0937 (2) An Ordinance by Councilmember Clair Muller to amend Article VII of Chapter 74 entitled "**Riparian Buffer Requirements**"; to officially change the administrating Department to Watershed Management, to streamline the review process and clarify the Public Notice Requirements; and for other purposes. **(Held 4/25/06 for further review by the Department of Watershed Management)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 06-O-1573 (3) An Ordinance by Councilmember Kwanza Hall authorizing the Mayor or her designee to enter into an Agreement between Hilton Atlanta and the Atlanta Marriott Marquis and the City of Atlanta for the erection of a bridge in accordance with Section 138-25(b) of the City of Atlanta's Code of Ordinances; and for other purposes. **(Held 7/11/06 for further discussions)**

HELD

- 06-O-1947 (4) An Ordinance by City Utilities Committee to amend Sections 138-25 and 138-26 of the Official Code of Ordinances of the City of Atlanta, Georgia, to authorize the Commissioner of Public Works to determine the monthly rental rates for the air space or subsurface space occupied by bridges, tunnels of similar structures across streets or alleys and balconies over sidewalks of the City of Atlanta; and for other purposes. **(Held 9/18/06 at the request of the Law Department)**

HELD

- 07-R-0002 (5) A Resolution by City Utilities Committee authorizing the Mayor to enter into a Maintenance Agreement with the Georgia Department of Transportation to convert a section of Bolton Road, Fulton Industrial Boulevard and Harwell Road to temporary State Route for Bridge Improvements; and for other purposes. **(Held 1/9/07 for further review)**

HELD

- 07-O-0979 (6) An Ordinance by Councilmember Kwanza Hall to **abandon** a portion of Fair Street, SW located between Peters Street and the Railroad right-of-way consisting of 0.093 acre more or less, and being more specifically described as Tract "1" in the attached Exhibit "A" lying and being in Land Lot 84 of the 14th District, Fulton County, Georgia; and for other purposes. **(Councilmember Smith made a motion to file.)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-0980 (7) An Ordinance by Councilmember Kwanza Hall to **abandon** a portion of Castleberry Street, SW located between Peters Street and the Railroad right-of-way consisting of 0.115 acre more or less, and being more specifically described as Tract "4" in the attached Exhibit "A" lying and being in Land Lot 84 of the 14th District, Fulton County, Georgia; and for other purposes.
(Councilmember Smith made a motion to file.)

FILE

- 07-R-1214 (8) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Jacobs/PRAD/PBS & J, Joint Venture, for FC-7619-03D, Annual Contract for Architectural and Engineering Services, White Paper Study for the Policy Level Analysis of Security Options for Drinking Water Assets, in an amount not to exceed \$48,250.48; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 524001 (Consultant/Professional Services) Q12001 (Watershed Security); and for other purposes. **(Held 6/12/07 at the request of Councilmember Shook for further review.)**

HELD

- 07-R-1477 (9) A Resolution by City Utilities Committee approving the Department of Public Works use of that certain section of Chastain Park along Powers Ferry Road for the purpose of widening the bridge over Nancy Creek and maintaining the same in perpetuity and for the purpose of placing and maintaining a drainage system in perpetuity, whereby said DPW use shall not interfere with the use of said property as parkland; and for other purposes. **(Held 7/31/07 for further review)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-1521 (10) An Ordinance by Councilmember Natalyn M. Archibong to amend Chapter 138 of the Code of Ordinances of the City of Atlanta so as to create a new Article VIII to be entitled "Outdoor Dining Areas"; to amend Article II of Chapter 138 so as to create a new Division 8 to be entitled "Outdoor Dining Areas"; to establish procedures for the authorization of restaurants that wish to provide Outdoor Dining Services; and for other purposes. **(Held 7/31/07) (Work sessions held 9/13/07 & 10/12/07)**

HELD

- 07-O-2023 (11) An Ordinance by Councilmember Carla Smith, authorizing the Mayor or her designee to waive the sidewalk requirements of Section 15-09.003 of the City of Atlanta Code of Ordinances, to provide that a certain Subdivision SD-06-83, (701 Pershing Avenue, SE) applicant deposit a dollar amount (\$5,870.00) equal to the value of the required sidewalk construction into a designated Trust Fund Account for District 1; and for other purposes. **(Held 9/25/07 for further review)**

HELD

- 07-R-2147 (12) A Resolution by City Utilities Committee authorizing the Mayor on behalf of the City of Atlanta ("City"), to enter into an Encroachment Agreement for non-conforming uses, with Zoo Atlanta, for the installation of twenty (20) Wayfinding Signs on the City's right-of-way; and for other purposes. **(Held 10/9/07 for further review)**

HELD

- 07-O-2505 (13) An Ordinance by Councilmembers Howard Shook, H. Lamar Willis, Mary Norwood, Joyce Sheperd, Anne Fauver, Natalyn M. Archibong, Clair Muller, Caesar C. Mitchell and Ivory L. Young, Jr. amending Section 130-84 (Rates and Charges) of the Code of Ordinances of the City of Atlanta for the purpose of eliminating the Solid Waste Frontage Fee; and for other purposes. **(Amended and held 11/27/07 for further review.)**

HELD

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PAPERS HELD IN COMMITTEE (CONT'D)

- 07-O-2604 (14) An Ordinance by Councilmember Clair Muller to amend Part 15, Section 15-09.004 of the City's Land Subdivision Ordinance in the City of Atlanta's Code of Ordinances for the purpose of defining sanitary sewer connection requirements for Land Subdivisions; and for other purposes. **(Held 12/11/07 for further review.)**

HELD

- 07-O-2605 (15) An Ordinance by Councilmember Clair Muller to amend Chapter 154, Utilities, Article IV, Sewer Construction and Assessments, Division 1 of the City Code of Ordinances for the purpose of defining Sanitary Sewer Connection Requirement; and for other purposes. **(Held 12/11/07 for further review.)**

HELD

- 08-R-0008 (16) A Resolution by City Utilities Committee authorizing the Mayor to accept on behalf of the City of Atlanta certain property at intersection of Brenda Drive and Fairburn Road in Land Lot 35 of the 14th (FF) District, Fulton County Georgia, as described in the attached Exhibits "A" and "A-1" by execution of a Quitclaim Deed conveying land to the City for development of a Pump Station; and for other purposes. **(Held 1/15/08 for further review.)**

HELD

- 08-R-0296 (17) A Resolution by Councilmember Carla Smith authorizing payment of stipulated penalties imposed by the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of \$_____ as stipulated penalties for the violation of CSO Fecal Coliform Operational Standards _____ pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; to identify the source of funding; and for other purposes. **(Held 2/12/08.)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 08-O-0301 (18) An Ordinance by Councilmember Cleta Winslow to amend Ordinance No. 06-O-0782 as corrected, waiving certain provisions of the Code of Ordinance and authorizing for due consideration the abandonment of a public street known as Norcross Street, formally located in the Housing Authority of the City of Atlanta, Georgia Community known as Harris Homes and said abandoned street was to be conveyed at no cost to the Housing Authority of the City of Atlanta, Georgia; to waive the provisions of Section 2-1578 of the City Code, provided however, that Section 2-1578 (c)(3) requiring certain notifications and Section 138-9 insofar as it pertains to the advertisement and public hearing requirement, shall not be waived; and for other purposes.
(Councilmember Smith made a motion to file.)

FILE

K. REQUESTED ITEM

1. Councilmember Muller requested the Department of Watershed Management present to the committee a discussion on storm water at a later date.

L. ITEMS NOT ON THE AGENDA

ORDINANCE FOR FIRST READING

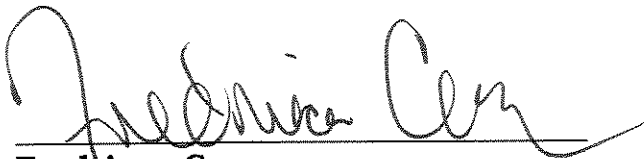
- 08-O-0426 (1) An Ordinance by City Utilities Committee to create Chapter 154, Section 121 (Drought Surcharge Established) and Chapter 154, Section 279 (Drought Surcharge Established) in the Code of Ordinances, City of Atlanta, to establish new Drought Surcharges for the City of Atlanta's Water and Wastewater Systems; and for other purposes. **(Advertised for a Public Hearing 3/19/08 at 6 p.m.)**

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There being no further business to come before the Committee, the meeting was adjourned at 11:07 a.m.

Respectfully Submitted:



Fredrica Cooper
Legislative Assistant



Alfred Berry, Jr.
Research and Policy Analyst



The Honorable Carla Smith, Chair
City Utilities Committee